

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WILLIAM MAYO,	:	No. 1:18-CV-0878
Plaintiff	:	Judge Conner
v.	:	Electronically Filed Document
JOHN E. WETZEL,	:	Complaint Filed 04/23/18
Defendant	:	

**MOTION FOR MENTAL EXAMINATION
OF PLAINTIFF**

Pursuant to Rule 35, Defendant Wetzel, of the Pennsylvania Department of Corrections (“DOC”), through counsel, hereby respectfully requests that this Honorable Court grant his request to conduct a mental examination of the Plaintiff, and aver as follows:

1. Plaintiff is a *pro se* incarcerated person, who is presently incarcerated at SCI Phoenix.

2. Dispositive motions have been decided, and the remaining claims are set for trial on May 30, 2023.

3. The Court recently issued another Order, dated October 26, 2022 (Doc. 104), directing that this case is referred to the Prison Litigation Settlement Program for settlement discussions through mediation. The Order added that if mediation is unsuccessful, the case will be scheduled for trial.

4. At this time, the parties are still attempting to discuss settlement.

5. Plaintiff's remaining claims include an Eighth Amendment conditions of confinement claim and a Fourteenth Amendment due process claim based on his placement on the DOC's Restricted Release List ("RRL") by Defendant Wetzel, of the Pennsylvania Department of Corrections ("DOC") for 29 months. (Doc. 1).

6. Plaintiff alleges he suffers from ongoing mental health issues and that his mental health was negatively impacted as a result of his placement on the RRL. (*See, e.g.*, Doc.1, "pre-existent mental health impairment" – ¶24, "deteriorated mental stability" – ¶25, "[t]he action of ...Wetzel in placing Plaintiff on RRL knowing that Plaintiff is on the active mental health roster, take (sic) two (2) different psyche medications daily and long term solitary confinement isn't conducive to Plaintiff's pre-existent mental impairment ..." – ¶29).

7. The parties dispute the extent of Plaintiff's mental health conditions and the exacerbation of his injuries, if any. Thus, Plaintiff's mental health conditions are in controversy in this case.

8. Defendant seeks to have an independent third-party psychiatrist evaluate Plaintiff's mental health condition.

9. Rule 35(a) of the Rules of Civil Procedure provides, in part:

The Court where the action is pending may order a party whose mental or physical condition ... is in controversy to submit to a physical or mental examination by a suitably licensed or certified examiner.

F.R.C.P. 35(a).

10. Defendant seeks to have a psychiatric expert, Dr. Pogos Voskanian, conduct an evaluation of Plaintiff at SCI Phoenix, presumably via Zoom, which can be accommodated by the institution.

11. Dr. Voskanian is suitably licensed to perform the examination as required by Rule 35, as indicated by the certifications, awards, service, affiliations, educational and professional history reflected on his Curriculum Vitae. (*See* Attachment A).

12. Defendant seeks the examination to determine whether the Plaintiff's confinement on the RRL was responsible for causing or exacerbating his mental health issues.

13. Lastly, Defendant is unable to meaningfully engage in settlement discussions without obtaining an independent medical evaluation of the Plaintiff to determine the extent of his injuries, if any.

WHEREFORE, Defendant respectfully requests that the Court grant the motion and direct Plaintiff to submit to an evaluation by Dr. Voskanian on a date and time to be determined.

Respectfully submitted,

Office of General Counsel

/s/ Lindsey A. Bedell

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Date: December 13, 2022

Counsel for Defendant Wetzel

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CERTIFICATE OF SERVICE

I, Lindsey A. Bedell, hereby certify that on December 13, 2022, I caused to be served a true and correct copy of the foregoing document titled Motion for Mental Examination of Plaintiff to the following:

VIA U.S. MAIL

Smart Communications/PADOC
William Mayo, FZ-2947
SCI Phoenix
P.O. Box 33028
St. Petersburg, FL 33733
Pro Se Plaintiff

/s/ Lindsey A. Bedell

Lindsey A. Bedell, Assistant Counsel